

# Labor, Commerce and Industry Committee



THOMAS C. ALEXANDER  
CHAIRMAN

SUITE 313  
GRESSETTE OFFICE BUILDING  
TELEPHONE: (803) 212-6220  
SLCIComm@scsenate.gov

THE SENATE OF SOUTH CAROLINA  
P.O. BOX 142  
COLUMBIA, SOUTH CAROLINA 29202

LISA MANINI WIDENER  
DIRECTOR OF RESEARCH

CAROLYN W. YOUMANS  
ADMINISTRATIVE ASSISTANT

## MEMORANDUM

TO: Senate Labor, Commerce & Industry Committee Members

FROM: Senator Thomas Alexander, Chairman

DATE: March 31, 2016

SUBJECT: LCI Committee Meeting - Agenda  
Thursday, April 14, 2016, 9:00 a.m., Room #308

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The Senate Labor, Commerce & Industry committee will meet Thursday, April 14, 2016 at 9:00 a.m. in room #308. The appointments, legislation, and regulations being considered:

### **APPOINTMENTS:**

Mrs. Jacqueline S. Lowe ( <i>Blythewood, SC</i> ) State Board of Social Work Examiners	Reappointment
Mr. Paul H. Kennemore, III ( <i>Moore, SC</i> ) State Athletic Commission	Reappointment
Mr. George E. Knight ( <i>Columbia, SC</i> ) SC Real Estate Appraisers Board	Reappointment
Mr. Michael W. Nix ( <i>Beaufort, SC</i> ) SC Jobs Economic Development Authority	Reappointment
Mr. Kenneth E. Ormand, Jr ( <i>Columbia, SC</i> ) SC State Housing, Finance and Development Authority	Reappointment
Mrs. Sue Ann Shannon ( <i>Columbia, SC</i> ) SC State Housing, Finance and Development Authority	Reappointment

All personal data information will be available to you at the committee meeting. If you would like to review the material ahead of time, please call Lisa Manini Widener at 212-6220.

### **LEGISLATION:**

**S.1037** S. 1037 -- Senator Alexander: A BILL TO AMEND SECTION 40-47-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF TEAM PHYSICIANS OF ATHLETIC TEAMS VISITING THE STATE FOR A SPECIFIC SPORTING EVENT FROM PHYSICIAN LICENSING REQUIREMENTS

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IN THIS STATE, SO AS TO EXPAND THE EXEMPTION TO **INCLUDE TEAM PHYSICIANS OF ATHLETIC TEAMS VISITING THE STATE FOR A TEAM TRAINING CAMP.**

*Subcommittee Chairman: Senator Nikki Setzler*

*Subcommittee Report: Favorable report*

**H.3054** H. 3054 -- Reps. Gilliard, Alexander and Henegan: A CONCURRENT RESOLUTION TO URGE OUR FEDERAL, STATE, AND LOCAL GOVERNMENTS, ALONG WITH CHURCHES AND NEIGHBORHOOD ASSOCIATIONS, TO ACCELERATE THEIR EFFORTS TO **ASSIST THE HOMELESS** IN LIGHT OF THE NATION'S ECONOMY AND ADVERSE WEATHER CONDITIONS.

*Subcommittee Chairman: Senator Nikki Setzler*

*Subcommittee Report: Favorable report*

**S.668** S. 668 -- Senators Alexander and O'Dell: A BILL TO AMEND TITLE 6, RELATING TO PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS AND OTHER POLITICAL SUBDIVISIONS; **TO CREATE THE SOUTH CAROLINA COMMERCIAL-PROPERTY ASSESSED CLEAN ENERGY ACT** TO PROVIDE THAT GOVERNING BODIES MAY ESTABLISH A DISTRICT BY ADOPTION OF AN ORDINANCE FOR THE PURPOSE OF PROMOTING, ENCOURAGING, AND FACILITATING CLEAN ENERGY IMPROVEMENTS WITHIN ITS GEOGRAPHIC AREA; TO PROVIDE REQUIREMENTS TO BE INCLUDED IN THE ORDINANCE; TO PROVIDE THAT MEMBERS OF THE DISTRICT AND OWNERS OF QUALIFYING REAL PROPERTY MAY VOLUNTARILY EXECUTE A WRITTEN AGREEMENT TO PARTICIPATE IN THE COMMERCIAL-PROPERTY ASSESSED CLEAN ENERGY PROGRAM; TO PROVIDE THAT THE GOVERNING BODY HAS THE AUTHORITY TO IMPOSE AN ASSESSMENT ON THE QUALIFYING REAL PROPERTY; TO PROVIDE THAT THE ASSESSMENT SHALL CONSTITUTE A COMMERCIAL-PROPERTY ASSESSED CLEAN ENERGY LIEN AGAINST THE QUALIFYING REAL PROPERTY UNTIL PAID; TO PROVIDE HOW CLEAN ENERGY IMPROVEMENTS MAY BE FINANCED; TO PROVIDE THAT CLEAN ENERGY IMPROVEMENTS MUST MEET ALL APPLICABLE SAFETY, PERFORMANCE, INTERCONNECTION, AND RELIABILITY STANDARDS; AND TO DEFINE NECESSARY TERMS.

*Subcommittee Chairman: Senator Shane Massey*

*Subcommittee Report: Subject to outcome of subcommittee meeting on 4/6/16*

**S.1177** S. 1177 -- Senator Alexander: A BILL TO AMEND SECTION 40-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE **PROFESSIONAL LICENSURE OF ARCHITECTS**, AND TO AMEND SECTION 40-3-230, RELATING TO TRAINING REQUIREMENTS FOR THE PROFESSIONAL LICENSURE OF ARCHITECTS, BOTH SO AS TO REPLACE REFERENCES TO THE "INTERN DEVELOPMENT PROGRAM" WITH REFERENCES TO THE "ARCHITECTURAL EXPERIENCE PROGRAM"; AND TO AMEND SECTION 40-3-240, RELATING TO REQUIREMENTS FOR TAKING THE ARCHITECTURAL REGISTRATION EXAMINATION, SO AS TO REPLACE REQUIREMENTS CONCERNING PARTICIPATION IN THE INTERN DEVELOPMENT PROGRAM WITH REQUIREMENTS CONCERNING PARTICIPATION IN THE ARCHITECTURAL EXPERIENCE PROGRAM OR CERTAIN PROGRAMS SANCTIONED BY THE NATIONAL COUNCIL ON ARCHITECTURAL REGISTRATION BOARDS.

*Subcommittee Chairman: Senator Tom Davis*

*Subcommittee report: Subject to outcome of subcommittee meeting on 4/13/16*

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**H.4138** H. 4138 -- Reps. Bedingfield and Clemmons: A BILL TO AMEND SECTION 40-11-270, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRACTOR'S LICENSES AND LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO PROVIDE THAT EACH PERSON HOLDING A LICENSE IN THE MECHANICAL CONTRACTOR SUBCLASSIFICATION OF AIR CONDITIONING, HEATING, OR PACKAGED EQUIPMENT **SHALL DISPLAY THE MECHANICAL CONTRACTOR LICENSE IN A CONSPICUOUS MANNER** AT HIS PRINCIPAL PLACE OF BUSINESS, TO PROVIDE THAT ALL COMMERCIAL VEHICLES USED BY MECHANICAL CONTRACTORS LICENSED IN THE SUBCLASSIFICATION OF AIR CONDITIONING, HEATING, OR PACKAGED EQUIPMENT EXCLUSIVELY IN THE DAILY OPERATION OF THEIR BUSINESS SHALL HAVE PROMINENTLY DISPLAYED ON THEM THE MECHANICAL CONTRACTOR LICENSE NUMBER, AND TO PROVIDE THAT THE MECHANICAL CONTRACTOR LICENSE NUMBER ALSO MUST BE PROMINENTLY DISPLAYED ON ANY ADVERTISING IN THE YELLOW PAGES, NEWSPAPERS, WEBSITES, SOCIAL MEDIA MARKETING, OR OTHER MEDIUMS RELATING TO WORK WHICH THE MECHANICAL CONTRACTOR LICENSE HOLDER PURPORTS TO HAVE THE CAPACITY TO PERFORM, AND ALSO ON PROPOSALS AND INVOICES.

*Subcommittee Chairman: Senator Tom Davis*

*Subcommittee report: Subject to outcome of subcommittee meeting on 4/13/16*

**H.4090** H. 4090 -- Reps. Bedingfield, Sandifer, G.A. Brown, Ballentine and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-29-25 SO AS TO PROVIDE ACTIONS THAT REQUIRE A CERTIFICATE OF AUTHORITY AS A **PAWN BROKER**; BY ADDING SECTION 40-29-55 SO AS TO PROVIDE FOR THE PERIODIC ADJUSTMENT OF CERTAIN MONETARY REQUIREMENTS IN A CERTAIN MANNER; BY ADDING SECTION 40-29-145 SO AS TO HOLD ORDERS ON PROPERTY IN THE POSSESSION OF A PAWNBROKER SUSPECTED TO HAVE BEEN MISAPPROPRIATED OR STOLEN; BY ADDING SECTION 40-29-155 SO AS TO PROVIDE A PERSON AGGRIEVED BY THE FINAL ADMINISTRATIVE ORDER OF THE DEPARTMENT OF CONSUMER AFFAIRS MAY REQUEST A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT, AND TO PROVIDE THE DEPARTMENT MAY BRING AN ACTION TO ENFORCE ITS ORDER IF THE PERSON FAILS TO TIMELY REQUEST A CONTESTED CASE HEARING; TO AMEND SECTION 40-39-10, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PAWNBROKERS BY THE DEPARTMENT, SO AS TO REVISE THE DEFINITION OF "PLEDGED GOODS" SPECIFICALLY TO EXCLUDE CERTAIN VEHICLES; TO AMEND SECTION 40-39-20, RELATING TO REGULATIONS OF PAWN BROKERS, SO AS TO REVISE REQUIREMENTS CONCERNING BACKGROUND CHECKS AND TO PROHIBIT THE EMPLOYMENT OF A PERSON CONVICTED OF A FELONY TO ENGAGE IN THE WORK OF A PAWNBROKER, SUBJECT TO CERTAIN EXCEPTIONS; TO AMEND SECTION 40-39-30, RELATING TO THE REQUIREMENT OF A CERTIFICATE OF AUTHORITY FOR EACH BUSINESS LOCATION OF A PAWNBROKER, SO AS TO PROVIDE A PAWNBROKER MAY RETAIN NO PLEDGED GOODS IN A LOCATION OTHER THAN THE LOCATION DESIGNATED IN THE CERTIFICATE OF AUTHORITY WITHOUT FIRST FILING A NOTIFICATION WITH THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT, AND TO PROVIDE A PAWNBROKER CONSPICUOUSLY SHALL POST THE HOURS OF OPERATION AND ANY CLOSURE AT EACH LOCATION; TO AMEND SECTION 40-39-40, RELATING TO THE PROHIBITION ON UNAUTHORIZED FEES, SO AS TO PROVIDE A PAWNBROKER THAT COLLECTS SUCH UNAUTHORIZED FEES MAY NOT COLLECT, RECEIVE, OR RETAIN ANY INTEREST OR CHARGES ON THE LOAN IN VIOLATION OF THIS CHAPTER AND HAS NO RIGHT TO POSSESS THE PLEDGED GOODS; TO AMEND SECTION 40-39-50, RELATING TO BONDS AND OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED FOR A CERTIFICATE OF AUTHORITY, SO AS TO REVISE AND DELETE SOME

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EXISTING REQUIREMENTS AND TO PROVIDE WITHIN TWENTY-ONE CALENDAR DAYS AFTER THE OCCURRENCE OF AN EVENT THAT MAY AFFECT PLEDGED GOODS, A PAWNBROKER SHALL FILE A WRITTEN NOTICE ON A FORM PRESCRIBED BY THE DEPARTMENT DESCRIBING THE EVENT AND ITS EXPECTED IMPACT UPON THE BUSINESS; TO AMEND SECTION 40-39-70, RELATING TO RECORD KEEPING REQUIREMENTS, SO AS TO INCLUDE SALES AMONG THE AFFECTED TRANSACTIONS, TO REQUIRE VERIFICATION OF THE IDENTITY OF A PLEDGOR OR SELLER IN A CERTAIN MANNER, AND TO PROVIDE A PAWN OR PURCHASE TRANSACTION MUST BE PERFORMED BY THE OWNER OF THE PROPERTY, OR HIS AUTHORIZED AGENT, WHOSE IDENTITY AND AGENCY RELATIONSHIP MUST BE VERIFIED BY THE PAWNBROKER; TO AMEND SECTION 40-39-80, RELATING TO THE ISSUANCE OF A MEMORANDUM OR NOTE AT THE TIME OF PAWNING OR PLEDGING, SO AS TO CHARACTERIZE THE MEMORANDUM OR NOTE AS A "PAWN TICKET" AND TO PROVIDE DETAILED, RELATED REQUIREMENTS; TO AMEND SECTION 40-39-100, RELATING TO PERMISSIBLE CHARGES ON LOANS BY PAWNBROKERS, SO AS TO REVISE THE MAXIMUM PERMISSIBLE AMOUNT; TO AMEND SECTION 40-39-120, RELATING TO THE RENEWAL OF A CERTIFICATE OF AUTHORITY, SO AS TO PROVIDE PENALTIES FOR FAILING TO TIMELY RENEW, AND TO PROVIDE REQUIREMENTS FOR A PAWN SHOP THAT MUST CLOSE BECAUSE OF A SURRENDER OR REVOCATION OF ITS CERTIFICATE OF AUTHORITY; TO AMEND SECTION 40-39-140, RELATING TO THE ACCEPTANCE OF PROPERTY OWNED BY A THIRD PARTY, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PAWNBROKER MUST RETURN PLEDGED PROPERTY THAT HAD BEEN LEASED BY A SELLER OR PLEDGOR TO THE LESSOR OF THE PROPERTY, AND TO PROVIDE A PAWNBROKER IS NOT LIABLE TO THE PLEDGOR OR SELLER OF PROPERTY THAT IS RECOVERED BY A LESSOR FOR RETURNING THE PROPERTY TO A LESSOR; AND TO AMEND SECTION 40-39-150, RELATING TO FINES AND PENALTIES FOR VIOLATIONS, SO AS TO TRANSFER CERTAIN AUTHORITY CONCERNING THESE FINES AND PENALTIES FROM THE ADMINISTRATIVE LAW COURT TO THE DEPARTMENT.

*Subcommittee Chairman: Senator Tom Davis*

*Subcommittee report: Subject to outcome of subcommittee meeting on 4/13/16*

**S.685** S. 685 -- Senators Leatherman, Alexander, Campbell, S. Martin, Nicholson and O'Dell: A BILL TO AMEND SECTION 40-22-2, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE OF CHAPTER 22, TITLE 40 CONCERNING **THE REGULATION OF ENGINEERS AND SURVEYORS**, SO AS TO PROVIDE THAT THE PRACTICE OF THE PROFESSION OF ENGINEERING AND SURVEYING IS SUBJECT TO REGULATION BY THIS STATE; TO AMEND SECTION 40-22-10, RELATING TO THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, SO AS TO PROVIDE ADDITIONAL QUALIFICATIONS; TO AMEND SECTION 40-22-20, RELATING TO DEFINITIONS, SO AS TO ADD, REDEFINE, AND DELETE DEFINITIONS; TO AMEND SECTION 40-22-30, RELATING TO ACTIVITIES PROHIBITED WITHOUT A LICENSE, SO AS TO PROHIBIT BROKERING OR COORDINATING ENGINEERING OR SURVEYING SERVICES FOR A FEE; BY ADDING SECTION 40-22-35 SO AS TO SPECIFY THE MANNER IN WHICH A REGISTERED ENGINEER OR SURVEYOR MAY NEGOTIATE A CONTRACT FOR HIS PROFESSIONAL SERVICES; TO AMEND SECTION 40-22-50, RELATING TO DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD SHALL MAINTAIN AND UPDATE, RATHER THAN ANNUALLY PREPARE, A ROSTER OF INFORMATION CONCERNING PROFESSIONAL ENGINEERS AND SURVEYORS; TO AMEND SECTION 40-22-60, RELATING TO THE DUTY OF THE BOARD TO PROMULGATE CERTAIN REGULATIONS, SO AS TO UPDATE A CROSS REFERENCE AND TO PROVIDE ADDITIONAL DUTIES WITH RESPECT TO PROVIDING ADVICE AND RECOMMENDATIONS CONCERNING STATUTORY REVISIONS TO THE

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DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO AMEND SECTION 40-22-75, RELATING TO EMERGENCY WAIVER OF LICENSE REQUIREMENTS, SO AS TO LIMIT APPLICATION OF THIS WAIVER TO DECLARED NATIONAL OR STATE EMERGENCIES, AND TO PROVIDE A WAIVER MAY NOT EXCEED NINETY DAYS; TO AMEND SECTION 40-22-110, RELATING TO THE AUTOMATIC SUSPENSION OF THE LICENSE OF MENTALLY INCOMPETENT PERSONS, SO AS TO DELETE A REDUNDANCY; TO AMEND SECTION 40-22-220, RELATING TO ELIGIBILITY REQUIREMENTS FOR LICENSURE AS AN ENGINEER, SO AS TO REVISE EDUCATION REQUIREMENTS; TO AMEND SECTION 40-22-222, RELATING TO LICENSING OF EXISTING ENGINEERS, SO AS TO ADD AN OPTIONAL ACCREDITATION SOURCE FOR AN EDUCATION REQUIREMENT; TO AMEND SECTION 40-22-225, RELATING TO ELIGIBILITY REQUIREMENTS FOR LICENSURE AS A SURVEYOR, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40-22-230, RELATING TO APPLICATION REQUIREMENTS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40-22-250, RELATING TO A CERTIFICATE OF AUTHORIZATION TO PRACTICE AS A FIRM, SO AS TO REVISE REQUIREMENTS FOR THE CERTIFICATE AND TO PROVIDE REQUIREMENTS THROUGH WHICH A LICENSEE MAY MAINTAIN A BRANCH OFFICE; TO AMEND SECTION 40-22-260, RELATING TO TEMPORARY LICENSES, SO AS TO REVISE CIRCUMSTANCES IN WHICH THE DEPARTMENT MAY GRANT A TEMPORARY LICENSE TO AN OUT-OF-STATE FIRM, AND TO PROVIDE REQUIREMENTS FOR SUBMISSION OF PLANS PRODUCED AND SUBMITTED FOR PERMITTING BY A PERSON HOLDING A TEMPORARY CERTIFICATE OF AUTHORIZATION; TO AMEND SECTION 40-22-270, RELATING TO SEALS OF LICENSEES, SO AS TO PROVIDE THE SEAL AND SIGNATURE OF A LICENSEE ON A DOCUMENT CONSTITUTES A CERTIFICATION THAT THE DOCUMENT WAS PREPARED BY THE LICENSEE OR UNDER HIS DIRECT SUPERVISION, AMONG OTHER THINGS; TO AMEND SECTION 40-22-280, AS AMENDED, RELATING TO EXCEPTIONS FROM THE APPLICABILITY OF THE CHAPTER, SO AS TO MODIFY THE EXEMPTIONS; AND TO AMEND SECTION 40-22-290, RELATING TO "TIER A" SURVEYING, SO AS TO EXEMPT THE CREATION OF NONTECHNICAL MAPS.

*Subcommittee Chairman: Senator Tom Davis*

*Subcommittee report: Subject to outcome of subcommittee meeting on 4/13/16*

## **REGULATIONS:**      *Subcommittee Chairman, Senator Shane Massey*

**Regulation #4619**      Office of the State Fire Marshal  
Fire Prevention and Life Safety for Special Occupancies

*Subcommittee report: Approved*

**Regulation #4620**      Office of the State Fire Marshal  
Fireworks and Pyrotechnics

*Subcommittee report: Approved*

**Regulation #4621**      Office of State Fire Marshal  
Hydrogen Facilities

*Subcommittee report: Approved*

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## **Regulation #4623**

Office of State Fire Marshal  
Portable Fire Extinguishers and Fixed Fire Extinguishing  
Systems

*Subcommittee report: Approved*

## **Regulation #4629**

Residential Builders Commission  
Residential Specialty Contractors License

*Subcommittee report: Approved*

## **Regulations carried over for further consideration:**

## **Regulation #4602**

Building Codes Council  
2015 Edition of International Codes and  
2014 Edition of the National Electrical Code

*Subcommittee report: carried over*

## **Regulation #4622**

Office of State Fire Marshal  
Liquefied Petroleum (LP) Gas

*Subcommittee report: carried over*

## **Regulation #4628**

Residential Builders Commission  
Classification of Residential Specialty Contractors

*Subcommittee report: carried over*

## **Regulation #4630**

Residential Builders Commission  
Residential Specialty Contractors License

*Subcommittee report: carried over*